

Attorney Docket No. 12925-1033USRE

MERCHANT & GOULD P.C.
United States Patent Application
DECLARATION

As a below-named inventor, I hereby declare as follows.

1. My residence, post office address, and citizenship are as stated below next to my name.

2. I verily believe I am a joint inventor of the subject matter which is described and claimed in U.S. Patent No. 5,941,237, entitled "Universal Non-Porous Fiber Reinforced Combustion Chamber Fireplace" and granted on August 24, 1999, and which is described and claimed in reissue application filed on August 23, 2001 as serial no. 09/935,483 and was amended by Preliminary Amendment on August 23, 2001.

3. I have reviewed and understand the contents of the specification and claims of the reissue application.

4. I acknowledge the duty to disclose all information which is material to the examination of this reissue application in accordance with 37 C.F.R. § 1.56.

5. I believe the original patent to be partly inoperative or invalid by reason of the patentee claiming more or less than patentee had the right to claim in the patent.

6. At least one error upon which reissue is based is that the claims are too narrow or too broad, in that some of the claims, such as claim 8, recite an universal open box combustion chamber including panels comprising vitreous alumina silicate fibers, which is narrower in scope than panels comprising refractory ceramic fibers.

7. The amendments included herewith introduce the appropriate claim scope, in that the claims, such as claim 19, recite an universal open box combustion chamber including panels comprising refractory ceramic fibers.

8. Every error in the patent which was corrected in the present reissue application, and is not covered by the prior declaration submitted in this application, arose without any deceptive intention on the part of the application.

9. I authorize Merchant & Gould P.C. to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

10. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made of information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Shimek	First Given Name Daniel	Second Given Name Curtis
0	Residence & Citizenship	City Apple Valley	State or Foreign Country Minnesota	Country of Citizenship United States
1	Mailing Address	Address 5260 West 132nd Street	City Apple Valley	State & Zip Code/Country Minnesota 55124/USA
Signature of Inventor 201:				Date: 5/16/03
2	Full Name Of Inventor	Family Name Shimek	First Given Name Patricia	Second Given Name J.
0	Residence & Citizenship	City Prior Lake	State or Foreign Country Minnesota	Country of Citizenship United States
2	Mailing Address	Address 3347 Glynwater Trail	City Prior Lake	State & Zip Code/Country Minnesota 55372/USA
Signature of Inventor 202:				Date:
(Legal Representative of Ronald John Shimek, deceased)				

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Signature of Inventor 202: <i>Patricia J. Shimek</i> (Legal Representative of Ronald John Shimek, deceased)				Date: 5/9/03